

Effective 5/10/2016

Chapter 7a

Law Enforcement Use of Body-worn Cameras

77-7a-101 Title.

This chapter is known as "Law Enforcement Use of Body-Worn Cameras."

Enacted by Chapter 410, 2016 General Session

77-7a-102 Body-worn cameras -- Written policies and procedures.

- (1) Any law enforcement agency that uses body-worn cameras shall have a written policy governing the use of body-worn cameras that is consistent with the provisions of this chapter.
- (2)
 - (a) Any written policy regarding the use of body-worn cameras by a law enforcement agency shall, at a minimum:
 - (i) comply with and include the requirements in this chapter; and
 - (ii) address the security, storage, and maintenance of data collected from body-worn cameras.
 - (b) This chapter does not prohibit a law enforcement agency from adopting body-worn camera policies that are more expansive than the minimum guidelines provided in this chapter.
- (3) This chapter does not require an officer to jeopardize the safety of the public, other law enforcement officers, or himself or herself in order to activate or deactivate a body-worn camera.

Enacted by Chapter 410, 2016 General Session

77-7a-103 Definitions.

- (1)
 - (a) "Body-worn camera" means a video recording device that is carried by, or worn on the body of, a law enforcement officer and that is capable of recording the operations of the officer.
 - (b) "Body-worn camera" does not include a dashboard mounted camera or a camera intended to record clandestine investigation activities.
- (2) "Law enforcement agency" means any public agency having general police power and charged with making arrests in connection with enforcement of the criminal statutes and ordinances of this state or any political subdivision.
- (3) "Law enforcement encounter" means:
 - (a) an enforcement stop;
 - (b) a dispatched call;
 - (c) a field interrogation or interview;
 - (d) use of force;
 - (e) execution of a warrant;
 - (f) a traffic stop, including:
 - (i) a traffic violation;
 - (ii) stranded motorist assistance; and
 - (iii) any crime interdiction stop; or
 - (g) any other contact that becomes adversarial after the initial contact in a situation that would not otherwise require recording.

Enacted by Chapter 410, 2016 General Session

77-7a-104 Activation and use of body-worn cameras.

- (1) An officer using a body-worn camera shall verify that the equipment is properly functioning as is reasonably within the officer's ability.
- (2) An officer shall report any malfunctioning equipment to the officer's supervisor if:
 - (a) the body-worn camera issued to the officer is not functioning properly upon initial inspection; or
 - (b) an officer determines that the officer's body-worn camera is not functioning properly at any time while the officer is on duty.
- (3) An officer shall wear the body-worn camera so that it is clearly visible to the person being recorded.
- (4) An officer shall activate the body-worn camera prior to any law enforcement encounter, or as soon as reasonably possible.
- (5) An officer shall record in an uninterrupted manner until after the conclusion of a law enforcement encounter, except as an interruption of a recording is allowed under this section.
- (6) When going on duty and off duty, an officer who is issued a body-worn camera shall record the officer's name, identification number, and the current time and date, unless the information is already available due to the functionality of the body-worn camera.
- (7) If a body-worn camera was present during a law enforcement encounter, the officer shall document the presence of the body-worn camera in any report or other official record of a contact.
- (8) When a body-worn camera has been activated, the officer may not deactivate the body-worn camera until the officer's direct participation in the law enforcement encounter is complete, except as provided in Subsection (9).
- (9) An officer may deactivate a body-worn camera:
 - (a) to consult with a supervisor or another officer;
 - (b) during a significant period of inactivity; and
 - (c) during a conversation with a sensitive victim of crime, a witness of a crime, or an individual who wishes to report or discuss criminal activity if:
 - (i) the individual who is the subject of the recording requests that the officer deactivate the officer's body-worn camera; and
 - (ii) the officer believes that the value of the information outweighs the value of the potential recording and records the request by the individual to deactivate the body-worn camera.
- (10) If an officer deactivates a body-worn camera, the officer shall document the reason for deactivating a body-worn camera in a written report.

Enacted by Chapter 410, 2016 General Session

77-7a-105 Notice and privacy.

- (1) When an officer with a body-worn camera enters a private residence, the officer shall give notice, when reasonable under the circumstances, to the occupants of the residence that a body-worn camera is in use either by:
 - (a) wearing a body-worn camera in a clearly visible manner; or
 - (b) giving an audible notice that the officer is using a body-worn camera.
- (2) An agency shall make the agency's policies regarding the use of body-worn cameras available to the public, and shall place the policies on the agency's public website when possible.

Enacted by Chapter 410, 2016 General Session

77-7a-106 Prohibited Activities.

An officer is prohibited from:

- (1) using a body-worn camera for personal use;
- (2) making a personal copy of a recording created while on duty or acting in an official capacity as a law enforcement officer;
- (3) retaining a recording of any activity or information obtained while on duty or acting in an official capacity as a law enforcement officer;
- (4) duplicating or distributing a recording except as authorized by the employing law enforcement agency; and
- (5) altering or deleting a recording in violation of this chapter.

Enacted by Chapter 410, 2016 General Session

77-7a-107 Retention and release of recordings.

Any recording made by an officer while on duty or acting in the officer's official capacity as a law enforcement officer shall be retained in accordance with applicable federal, state, and local laws.

Enacted by Chapter 410, 2016 General Session